

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DERRICK J. SUMRALL

PETITIONER

V.

CIVIL ACTION NO. 3:23-CV-466-KHJ-MTP

BILLY SOLLIE

RESPONDENT

ORDER

Before the Court is the [15] Report and Recommendation (“Report”) of United States Magistrate Judge Michael T. Parker. The Report recommends granting Respondent Billy Sollie’s [13] Motion to Dismiss and denying pro se Petitioner Derrick J. Sumrall’s [1] Petition for Writ of Habeas Corpus and [9] Motion Request to be Released. [15] at 1, 7. The Report notified the parties that failure to file written objections within 14 days would bar further appeal in accordance with 28 U.S.C. § 636. [15] at 7–8.¹

When no party objects to a magistrate judge’s report, the Court need not review it de novo. *See* 28 U.S.C. § 636(b)(1). Instead, the Court can apply the clearly erroneous, abuse-of-discretion, and contrary-to-law standard of review. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

Sumrall seeks habeas relief, contending, among other things, “that his confinement is unlawful due to an illegal bond revocation.” [15] at 2. Sollie “move[s]

¹ The Magistrate Judge issued his Report on February 15, 2024. *See* [15] at 8. Sumrall filed a Notice of Change of Address on March 1. [18]. So, on March 5, the Court mailed the Report to Sumrall’s new address and allowed Sumrall another 14 days to file objections. [19].

to dismiss Sumrall's petition for failure to state a claim upon which relief may be granted, or in the alternative, for failure to exhaust state court remedies." *Id.* at 3. The Magistrate Judge recommends dismissing the petition with prejudice because Sumrall "has not stated a cognizable claim for habeas corpus relief[.]" *Id.* at 4. As for Sumrall's claims relating to conditions of confinement, the Report recommends dismissing the "claims without prejudice to Sumrall's right to seek relief in a separate civil action." *Id.* at 7. Sumrall filed no objections to the Report, and the time to do so has passed. The Report is neither clearly erroneous nor contrary to law. The Court therefore adopts the Report as the opinion of this Court.

Accordingly, the Court GRANTS Respondent Billy Sollie's [13] Motion to Dismiss and DENIES Petitioner Derrick J. Sumrall's [1] Petition for Writ of Habeas Corpus and [9] Motion Request to be Released. The Court DISMISSES Sumrall's habeas claims with prejudice and DISMISSES his claims relating to conditions of confinement without prejudice. The Court will issue a final judgment consistent with this Order.

SO ORDERED, this 27th day of March, 2024.

s/ *Kristi H. Johnson*
UNITED STATES DISTRICT JUDGE